

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
JANUARY 29, 2015**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Revised Meeting Notice of January 26, 2015 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan
	Kevin Dotey
	Stephen Greco
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney:	Aravind Aithal
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Mayor Dobies added on Executive session discussion on the cell tower – legal aspects and plans.

PROCLAMATIONS-NONE

APPOINTMENTS-NONE

PRESENTATIONS - NONE

PUBLIC HEARING

The Borough Clerk read Ordinance No. 1868-15 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1868-15

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 367 SWIMMING POOL, MUNICIPAL, SECTION 367-3 FEES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

Section 367-3 Fees and charges is amended to read as follows:

Fees and charges shall be as follows:

A. Schedule of fees.

1. Resident family membership: \$240 per season if paid after April 15 of each year and \$225 if paid prior thereto.
 2. Resident individual membership: \$160 per season if paid after April 15 of each year and \$145 if paid prior thereto.
 3. Resident senior citizen membership: \$35 per season.
 4. Nonresident family membership: \$345 per season.
 5. Nonresident individual membership: \$220 per season.
 6. Nonresident senior citizen membership: \$65 per season.
- E. The Swim Pool Commission has the authority to increase the membership fees by no more than 10% per year with the stipulations that the rates are not raised more than 30% over the next five years.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body does hereby amend Section 367-3 Fees and Charges as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor Dobies opened the Public Hearing on Ordinance No. 1868-15. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1868-15.

Councilman Greco moved for adoption seconded by Councilman Madden and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

Mayor Dobies was disappointed with this increase to the senior residents and wanted to veto the ordinance. Mayor Dobies obtained information from Green Acres which indicates that the swim pool is not required to increase the out of town members more than twice the amount that the residents pay. Mayor Dobies will have the Clerk forward all the background information he obtained from Green Acres to the Council.

NEW BUSINESS

The Borough Clerk read Ordinance No. 1869-15 by title for introduction.

ORDINANCE NO. 1869-15

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 318 ABANDONED PROPERTY, SECTION 318.1 DEFINITIONS, 318.3 REGISTRATION, SECTION 318.7 FEES AND SECTION 318.10 VIOLATIONS AND PENALTIES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

ARTICLE I

Registration of Abandoned Property

§ 318.1 Definitions.

ABANDONED – A property that is vacant and/or is under a current notice of default and/or notice of trustee's sale, pending Tax Assessor's lien and/or properties that have become subject of a foreclosure where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and properties transferred under a deed in lieu of foreclosure/sale.

AGREEMENT – Any agreement or written instrument which provides that title to property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

BUILDING – Any improved real property, or portion thereof, situated in the Borough, designated or permitted to be used for occupancy or for dwelling purposes, and shall include buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange whether or not it is legally permitted and/or zoned for such use.

§ 318.3. Registration.

- A. Any beneficiary/trustee/mortgagee who holds a deed of trust/mortgage on a property located within the Borough of Middlesex shall perform an inspection of the property that is the security for the deed of trust/mortgage, upon default by the trustor/mortgager, prior to recording a notice of default. If the property is found to be vacant or shows evidence of vacancy, it is, by this article, deemed abandoned, and the beneficiary/trustee/mortgagee shall, within 10 days of the inspection, register the property with the Zoning Officer or his or her designee on forms provided by the Borough. If the property is occupied but remains in default, it shall be inspected by the beneficiary/trustee/mortgagee, or his designee, monthly until 1) the trustor/mortgagor or other party remedies the default; or 2) it is found to be vacant or show evidence of vacancy, at which time it is deemed abandoned, and the trustee shall, within 10 days of that inspection, register the property with the Zoning Officer or his designee on forms provided by the Borough. Registration of \$500 shall be paid at the time of initial

registration for residential properties. A registration fee of \$1,000 shall be paid at the time of initial registration of all other properties. The fee shall be \$1,500 for the first renewal registration for residential properties; \$3,000 for the second renewal for residential properties; and, \$5,000 for the third or subsequent renewal of residential properties. The fee shall be \$3,000 for the first renewal registration for all other properties; \$6,000 for the second renewal of all other properties; and, \$10,000 for the third or subsequent renewal of all other properties.

§ 318.7. Fees.

The fee for registering an abandoned property shall be set by resolution of the Middlesex Borough Council.

§ 318.10. Violations and penalties.

Violations of this article shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this article shall be subject to prosecution and/or administrative enforcement and shall be a penalty of not less than \$250 or more than \$1,000 for each and every violation of this article. For purposes of this article, each calendar day that a Building remains vacant and has not been registered as required under this article shall constitute a separate violation of this article.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body does hereby amend Chapter 318, Sections 318-1, 318-3, 318-7 and 318-10 as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Councilman Kaplan moved for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

ADOPTION OF MINUTES

Councilman Dotey made a motion to approve the January 1, 2015 Reorganization Meeting Minutes and the January 13, 2015 Regular Meeting Minutes & Executive Session Minutes seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance

- A. Council President Kaplan mentioned that the Finance Committee met last Saturday and reviewed the budget. They will come back with recommendations for the Treasurer to prepare and bring back to the Council.
- 2. Recreation/Recreation Fields/Water & Light
 - A. Councilman Greco stated that all events were cancelled due to the weather.
- 3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - A. Councilman Dotey made a motion to accept Sean Kaplan as a member of the Middlesex Fire Department seconded by Councilman Schueler and carried by a unanimous vote of Council.
 - B. Councilman Dotey acknowledged Colin McKeown as a qualified driver of Engine 21 and Truck 25 and Ed Winters, Sr. as a qualified driver of Truck 18.
- 4. Public Works/Parks/Sanitation/Recycling –
 - A. DPW staff was available for snow duty on Saturday and Tuesday and provided service to accomplish road clearance. Attention was paid to make sure that the drivers got appropriate rest. Both events required salting and plowing operations. Overtime was required to accommodate the work.
- 5. Police/Legal/Code Enforcement/Construction/Municipal Court
 - A. Councilman Madden had a meeting with Chief Young and reviewed the Police Budget.
 - B. Councilman Madden made a motion to approve the December, 2014 Police Department Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
- 6. Administration/Department of Senior Services/Legislation/Licensing
 - A. Councilman Mikolajczyk mentioned that he wanted an organizational chart and job descriptions.
 - B. Councilman Mikolajczyk mentioned that he attended the HUD Meeting last night and they reorganized and elected Betty Platten as Chairwoman and Vic Capolunghi as Vice Chairman. Councilman Mikolajczyk mentioned that past funds had been used for 3 benches along Mountain Avenue, Daisy Park and Senior Center refurbishing and also work is scheduled for Lincoln Park. The committee is intending to use their 2015 funds for work in the Senior Center. A resolution will be put on the February 10, 2015 Regular Meeting for approval.
 - C. Councilman Mikolajczyk requested clarification of the Borough Attorney as to whether a municipality has a right to have an ethics board to hear complaints if there is a challenge of unethical behavior. Attorney Aithal indicated that in the

past the borough made the decision not to appoint an Ethics Board, and if no board is appointed, we are required to register with the Local Finance Board, and if needed, they would hear any ethical complaints that we would have.

REPORTS

Mayor

1. Governing Body Goals – Mayor Dobies discussed the Governing Body goals that were mentioned on January 1. The Mayor feels that there is a need for a quarterly meeting to have a planning session. He also mentioned that he would like 3 names of Administrator applicants by Monday, February 1st to bring in to interview and then get from the next group the top 3 applicants to interview by February 16. The Borough Clerk will prepare a spreadsheet of all applicants for the governing body.
2. Mayor Dobies stated that the development of a pump station on the south side of the tracks would drastically reduce our infiltration. Mayor Dobies is requesting that Jerry Sheehan ask for a monthly report from the MCUA.
3. The redevelopment of the Mountain View Park Football Complex – Mayor Dobies has had discussion regarding this complex and estimates the cost at 2 million dollars. Mayor Dobies will meet with his committee of Councilman Kaplan and Greco prior to meeting with the Superintendent.
4. Keeping our residents informed – Mayor Dobies indicated that we can get information out to the borough by circulating the information in the Community News, as is done by Dunellen and is paid for by ads. The Mayor will bring the costs involved back to the Council. Also, the Mayor recommended that we request e-mail when sending out the tax bills, to enable us to get more information out to the public.
5. Councilman Mikolajczyk noted that one of the Mayor's goals for the governing body should be to resolve the sewer issue. Councilman Kaplan recommended having the engineer come to the next executive session meeting to bring recommendations.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2014(C)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex wishes to remove Resolution #54-15 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #51-15 – Resolution #53-15
Resolution #55-15

Councilman Dotey made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #51-15

The Towing Licenses for the year 2015 for Hart's Autobody, Middlesex, NJ has been approved by the Police Department and met all borough requirements, and the Borough Clerk is hereby authorized to issue the license in consideration of the fees which have been paid.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #52-15

The Tax Collector is hereby authorized to cancel the following municipally held Tax Sale Certificates which have been redeemed.

BLOCK/LOT	NAME/ADDRESS	AMOUNT	TTL NUMBER
229/15	Ryan, Walter C % K Motte Rock Ln	\$ 1,723.26	2014-1838
229/17	Ryan, Walter C % K Motte Rock Ln	\$ 2,584.88	2014-1839
229/20	Ryan, Walter C – Executor % K Motte Rock Ln	\$ 2,584.88	2014-1840
229/23	Ryan, Walter C % K Motte	\$ 1,723.26	2014-1841

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #53-15

The Governing Body hereby declares the following OEM items as surplus:

ITEM	MAKE	MODEL	SER #	VALUE
Portable Radio	Motorola	P200	792TRJD764	No value
Portable Radio	Motorola	P200	792TRJD774	No value
Portable Radio	Motorola	P200	792TQSA360	No value
Portable Radio	Motorola	P200	792TQSA417	No value
Portable Radio	Motorola	P200	792TQSA405	No value
Portable Radio	Motorola	P200	792TRY3442	No value
Portable Radio	Motorola	P200	792TQSA408	No value
Portable Radio	Motorola	P200	792TRJD768	No value
Portable Radio	Motorola	P200	792TRJD765	No value
Portable Radio	Motorola	P200	792FQG8088	No value
Portable Radio	Motorola	P200	---	No value
Portable Radio	Motorola	GP300	P93YDC20DAA	No value
Portable radio	Motorola	HT1000	#402AWYF949Z	No value
Portable radio	Motorola	HT1000	#402AWYF951Z	No value
Portable radio	Motorola	HT1000	402AXC0308	No value
Portable Radio	Motorola	P110	#188TXU3555	No value
Portable Radio	Motorola	P110	#188TXU3554	No value
Portable radio	Motorola	HT1000	#402AXY6422	No value
Portable Radio	Motorola	P1225	#475FYC2863	No value
Portable radio	Motorola	HT1000	402TZA1235Z	No value
6 bank charger	Motorola	HT1000		No value
6 bank charger	Motorola	P200		No value
Encoder	Motorola	CDM1250	103TBQ6825	No value
Encoder	Motorola	CDM1250		No value
Mobile Radio	Motorola	GM300	159TYQC431	No value
Mobile Radio	Motorola	GM300	778TXJ1611	No value
Pagers	Motorola	Minitor III	253BAS235D	No value
Pagers	Motorola	Minitor III	253BYQ29BD	No value
Pagers	Motorola	Minitor III	253BAS2355	No value
Pagers	Motorola	Minitor III	253BAS2357	No value
Pagers	Motorola	Minitor III	253BAS2368	No value
Pagers	Motorola	Minitor III	253BAS23SB	No value
Pagers	Motorola	Minitor III	253BAS23VB	No value
Pagers	Motorola	Minitor III	253BAS2386	No value
Pagers	Motorola	Minitor III	253BCJ22RP	No value
Pagers	Motorola	Minitor III	253BCJ22RM	No value

Pagers	Motorola	Minitor IV	839SDL27BC	No value
Pagers	Motorola	Minitor IV	839SDL27BB	No value
Pagers	Motorola	Minitor IV	839SDL278D	No value
Pagers	Motorola	Minitor III	253BAS23SF	No value
Pagers	Motorola	Minitor III	253BYQ29BB	No value
Pagers	Motorola	Minitor III	253BYQ29BC	No value
Pagers	Motorola	Minitor III	253BYS24ZM	No value
Pagers	Motorola	Minitor III	253BYW2397	No value
Pagers	Motorola	Minitor III	253BYW2398	No value
Pagers	Motorola	Minitor III	253BYW2395	No value
Vision Book	Hitachi	7360	TD0134700056	No value
Mobile Radio	Motorola	M1225	869FYL3942	No value
Mobile Radio	Motorola	M1225	869FYL3948	No value
Mobile Radio	Motorola	M1225	869FYL3954	No value
Mobile Radio	Motorola	M1225	869FYL3957	No value
Mobile Radio	Motorola	M1225	8G9FZL3679	No value

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #55-15

The application for a 2015 Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees.

End Zone Lounge	(2) Pool Table	\$300.00
425 Bound Brook Rd.	(1) Amusement Machine	\$150.00
	(1) Music Machine	\$100.00
Ellery's Grill	(4) Amusement Machines	\$600.00
701 Lincoln Boulevard	(1) Music Machine	\$100.00
Ferraro's Pizzeria & Pub	(1) Music Machine	\$100.00
275 Lincoln Boulevard		
American Legion	(2) Amusement Machines	\$300.00
707 Legion Place	(1) Music Machine	\$100.00
Tim Kerwin's Tavern	(6) Amusement Machines	\$900.00
353 Bound Brook Rd.	(1) Music Machine	\$100.00
TOTAL		\$2750.00

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #54-15

WHEREAS, Middlesex County Office of Aging & Disabled Services has entered into a contract with the Borough of Middlesex for the provisions of Information and Assistance and Assisted Transportation Services dated July 18, 2013; and

WHEREAS, Middlesex County Office of Aging & Disabled Services has agreed to extend the contract for a third year and increase this contract an additional \$14,381.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Mayor and Borough Clerk are authorized to execute this contract amendment with the Middlesex County Office of Aging & Disabled Services
2. This resolution shall take effect immediately.

Councilman Kaplan made a motion for approval seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution 56-15

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Councilman Schueler made a motion for approval seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Tax Assessor – Council agreed to have the Clerk advertise for this position.
2. Grease Traps – Councilman Madden discussed the ordinance adopted by Dunellen regarding grease traps. He spoke with Terry Brundage, and we do not know if all the food facilities have grease traps and if they are cleaned on a regular basis and

inspected. Councilman Madden recommended that we should draft an ordinance to consider establishments have a viable grease trap and make sure it is inspected. Council and the attorney will review Dunellen ordinance and also review our current ordinance as a whole.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Rich Malt, 309 D Street discussed the traffic light by Beechwood Fire House that is not working. Mr. Malt indicated that this is a hazard, as the firefighters have to get out of the truck to direct traffic during an emergency. Councilman Kaplan indicated that this matter was forwarded to Sergeant Comiskey, and it is being handled.

Mr. Malt also mentioned that he is a volunteer and gives up time to go to car accidents during the day and has to make up the time at work. He is concerned why we are calling towing companies from out of town, as these wreckers take a long time to get to the accident scene. Councilman Kaplan stated that our ordinance states this if the wreckers do not respond within 20 minutes they can be suspended and feels that we should amend the ordinance for next year and limit the amount of wreckers to 5 that are from within the town.

Mr. Malt likes the research being discussed on the grease traps and wanted to emphasize that the residential homeowners and apartment complexes are the worse at generating grease. Before an ordinance is drafted you have to consider where the grease is coming from.

John Ellery, 701 Lincoln Boulevard stated that the Middlesex Sewer Department used to check grease traps monthly and would like to see the required cleaning of the grease traps put in the sewer ordinance. John Ellery provided council with a copy of a letter from the Middlesex Borough Business and Professional Association indicating that 5% of the borough's industrial/commercial businesses are footing the bill for the sewer fees and suggested a solution that most towns have implemented where all residents, whether private or commercial pay a share. They also are requesting that all sewer fees collected be put in a dedicated account with a long term plan to address failing infrastructure. Also, they feel it is essential to become independent of Piscataway as part of the assessment structure and address the possibility of building additional pump stations to support the flow. Mr. Ellery also would like the Middlesex business community to work together with the borough to keep Middlesex Borough a desirable community.

Mr. Ellery also mentioned that the businesses are irate that the borough wants the sewer bills paid within 30 days.

John Hoffman, 455 Lincoln Boulevard thanks the Mayor for trying to help him today with his issue with Middlesex County. He also mentioned that Lincoln Boulevard is the worse street in town for traffic accidents, and feels that something should be done.

Councilman Madden mentioned that he spoke with the Police Chief and he is working on the lights on both intersections on Lincoln Boulevard.

Councilman Schueler discussed the borough towing companies that were unable to obtain their license, and requested if they were able to obtain a provisional license if they are in the midst of dealing with the Planning and Zoning Board. Attorney Aithal indicated that if a provisional license was obtained by the governing body, the Zoning Board would feel pressure to approve them because they had a provisional license from the governing body. Also, the governing body cannot allow someone to do business in an area that is not an approved zone.

Mayor Dobies addressed all questions from the Public. Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #57-15

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

- (1) Dental Insurance
- (2) Department Head Increases

Councilman Schueler made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

Councilman Greco moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by the following roll call vote.

ROLL CALL

Mayor
Council President

Ronald Dobies
Sean Kaplan
Kevin Dotey
Stephen Greco
John Madden
Bob Schueler
Jack Mikolajczyk

Attorney: Aravind Aithal

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #58-15

Authorizing the Mayor and Borough Clerk to execute the Contract with Principal Financial and the Borough of Middlesex for dental services for the years 2015/2016 in the amount of \$84,240.00 (1/31/15 – 1/31/17)

Councilman Schueler made a motion for approval seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

ADJOURNMENT

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Greco and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk